

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TERRY HOLIDAY,

Plaintiff,

v.

DAVID J. MAHONEY and  
DANE COUNTY,

Defendants.

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OPINION & ORDER

Case No. 18-cv-267-wmc

*Pro se* plaintiff Terry Holiday is proceeding against defendants David J. Mahoney and Dane County on claims related to the conditions at the Dane County Jail. On June 28, 2019, defendants filed a motion for summary judgment for failure to exhaust administrative remedies. (Dkt. #16.) The court set July 19, 2019, as plaintiff's deadline to respond to defendants' motion. On August 19, 2019, after plaintiff failed to respond by that deadline, the court gave plaintiff until September 9, 2019, to file a response to defendants' motion, warning him that his failure to respond would result in the court granting defendants' motion as unopposed and dismissing this lawsuit without prejudice. (Dkt. #22.) That deadline, too, has passed, and Holiday has not responded or contacted the court seeking an extension of that deadline. Accordingly, the court now will grant defendants' motion as unopposed and dismiss this lawsuit without prejudice for plaintiff's failure to exhaust his administrative remedies. *Ford v. Johnson*, 362 F.3d 395, 401 (7th Cir. 2004) (dismissal for failure to exhaust is always without prejudice).

ORDER

IT IS ORDERED that defendants' motion for summary judgment (dkt. #16) is GRANTED, and plaintiff's claims are dismissed without prejudice. The clerk of court is directed to enter judgment accordingly and close this case.

Dated this 26th day of September, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY  
District Judge